UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/53
11 February 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 9 (d) of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1997/39

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	2
I. THE NORMATIVE FRAMEWORK	4 - 25	2
A. A right not to be arbitrarily displaced	9 - 14	4
B. Guiding Principles on internal displacement	15 - 25	5
II. THE INSTITUTIONAL FRAMEWORK	26 - 50	7
III. THE COUNTRY FOCUS	51 - 64	15
IV. STRENGTHENING THE CAPACITY OF THE MANDATE	65 - 72	20
V. CONCLUSION	73 - 77	22

GE.98-10481 (E)

Introduction

1. Since the Commission on Human Rights first undertook consideration of the item of internal displacement in 1992, which led to the appointment of the Representative of the Secretary-General on internally displaced persons that year, the international community has made appreciable progress in its response to this global crisis. Nonetheless, internal displacement continues to constitute one of the greatest and most pressing challenges facing the international community. In part, this is due to the magnitude of the problem, which currently affects at least 25 million people, as well as to the severity of their needs for protection and assistance. The fact that the internally displaced have not crossed a border and, moreover, most often are found in situations of armed conflict poses additional challenges to international efforts to meet these needs. Furthermore, as a sure symptom of a society in serious crisis, internal displacement often is only the precursor of situations with much wider international ramifications, including not only the massive outflows of refugees but the political and economic destabilization of entire countries, if not regions. Addressing the problem of internal displacement therefore is as much an imperative of regional and international peace and security as it is a matter of responding to the needs of the individuals affected for humanitarian assistance and human rights protection.

2. As a first step towards meeting the challenge, the Secretary-General, at the request of the Commission on Human Rights, appointed a Representative on internally displaced persons in 1992. Since his appointment, the role of the Representative has evolved into one of catalyst serving to raise awareness of the plight of the internally displaced and to stimulate effective action for addressing it. In performing this function, the Representative's mandate has crystallized into three main areas of work: (a) developing an appropriate normative framework for meeting the protection and assistance needs of the internally displaced; (b) fostering effective institutional arrangements for translating these rights into realities; and (c) focusing attention on specific situations of internal displacement towards the aim of ensuring that these are effectively addressed.

3. The present report takes stock of the work accomplished over the last several years in each of the three areas of activity and identifies the major challenges ahead. Generally, progress has been made, particularly in the first two areas of activity with the development of improved normative and institutional frameworks for addressing the problems of internal displacement. The challenge now is largely an operational one, of monitoring and translating the normative and institutional progress achieved into effective action on the ground.

I. THE NORMATIVE FRAMEWORK

4. When intergovernmental and non-governmental organizations become involved in providing protection and assistance to the internally displaced, they have to base their activities upon a myriad of provisions in human rights law, humanitarian law, and refugee law by analogy. No specific instrument on

the internally displaced exists to guide them. A normative framework specifically tailored to the needs of the internally displaced therefore is an important component of improving efforts for their protection and assistance.

5. Over the past three years, considerable efforts have been made to develop an appropriate normative framework for the protection and assistance of internally displaced persons. In collaboration with a team of international legal experts, the Representative has prepared two studies analysing existing legal standards pertaining to internal displacement and, on the basis of these studies, developed a set of Guiding Principles for comprehensively addressing the needs of the internally displaced. Previous reports of the Representative to the Commission have detailed the findings of the compilation and analysis of legal norms pertaining to internally displaced persons submitted to the Commission at its fifty-second session (E/CN.4/1995/52/Add.2). While building on those findings, the present report focuses particularly on the new developments in the normative framework, including a review of the extent to which international law provides protection against forced displacement and of the preparation of Guiding Principles on internal displacement.

6. The compilation and analysis of legal norms pertaining to internally displaced persons examined the relevant provisions of international human rights law, humanitarian law and refugee law by analogy to determine whether they adequately covered the protection and assistance needs of the internally displaced or whether the development of additional standards was necessary. The compilation and analysis concluded that while existing law covers many aspects of particular relevance to internally displaced persons, there nonetheless exist significant gaps and grey areas as a result of which the law fails to provide sufficient protection. Accordingly, the compilation and analysis made recommendations for addressing those gaps and grey areas to provide a more effective system of protection and assistance.

7. In resolution 1996/52 of 19 April 1996, the Commission requested the Secretary-General to publish the compilation and to disseminate it widely. This was reiterated in resolution 1997/39 of 11 April 1997, in which the Commission called for the rapid publication of the compilation in all of the United Nations working languages. The Office of the High Commissioner for Human Rights is currently in the process of finalizing the publication of the compilation in English.

8. The Commission, in resolutions 1996/52 and 1997/39, also called upon the Representative to develop, on the basis of the compilation, a comprehensive normative framework of protection and assistance for internally displaced persons. In order to facilitate the development of a comprehensive system of protection that would cover prevention, the Representative, again in collaboration with a team of legal experts, prepared a companion study examining the extent to which international law protects against arbitrary displacement and provides a right not to be arbitrarily displaced (E/CN.4/1998/53/Add.1). On the basis of the two studies, the Representative developed a set of Guiding Principles for comprehensively addressing the needs of the internally displaced (E/CN.4/1998/53/Add.2).

A. A right not to be arbitrarily displaced

9. The companion study investigated the extent to which existing international law provides protection against arbitrary displacement and found that although there exist many international legal standards which, if respected, would reduce arbitrary displacement, the legal basis for providing protection against displacement could be strengthened significantly by articulating a right not to be arbitrarily displaced.

10. Articulating such a right would serve the purpose of defining explicitly what is now only implicit in international law. As the study found, an express prohibition of arbitrary displacement is contained in humanitarian law and in the law relating to indigenous peoples. In human rights law, by contrast, this prohibition is only implicit in certain provisions, in particular those pertaining to freedom of movement and choice of residence, freedom from arbitrary interference in one's home, and the right to housing. These rights, however, fail to provide adequate and comprehensive coverage of all instances of arbitrary displacement since they do not spell out the circumstances under which displacement is permissible and, furthermore, are subject to restrictions and derogation. They do, nonetheless, jointly point to a general rule according to which forced displacement may be undertaken only exceptionally and, even then, may not be effected in a discriminatory manner nor arbitrarily imposed.

11. An analysis of international law reveals limitations on the permissibility of forced displacement. It may be undertaken only in the specific circumstances provided for, with due regard for the principles of necessity and proportionality, and should last no longer than the exigencies of the situation. Furthermore, it must not occur on a discriminatory basis. Displacement caused by, or which can be reasonably expected to result in genocide, "ethnic cleansing", apartheid and other systematic forms of discrimination, torture, or inhuman and degrading treatment is absolutely prohibited and may entail individual criminal responsibility under international law. Whenever the forced displacement of people is illegal and the result of State policy, of an active or passive nature, questions of State responsibility arise.

12. Prior to carrying out displacement, authorities are expected to explore all feasible alternatives in order to avoid, or at least minimize, forced displacement. In cases of relocations, the provision of proper accommodation and satisfactory conditions of hygiene should be guaranteed and families should not be separated. Persons to be displaced should have access to adequate information regarding their displacement, the procedures of compensation and relocation, effective remedies and, where appropriate, compensation for loss of land or other assets. Efforts should be made to obtain the free and informed consent of those to be displaced. Where these guarantees are absent, displacement would be arbitrary and therefore unlawful. Accordingly, an articulation of a right not to be arbitrarily displaced should specify the impermissible grounds and conditions of displacement and the minimum procedural guarantees to be complied with, should displacement occur.

13. The development of norms concerning the prevention of displacement should serve as a reminder of a responsibility on the part not only of the

controlling authorities but also of the international community not to create the conditions causing displacement. International financial institutions, for example, have begun to pay greater attention to the displacement caused by development projects and to take this into account when deciding upon projects to support. The Guiding Principles on internal displacement consider displacement to be arbitrary when caused by large-scale development projects not justified by compelling and overriding public interests. In cases where displacement is considered to be unavoidable, the World Bank as well as the Organization for Economic Cooperation and Development (OECD) each have formulated guidelines specifying requirements, including community participation, conditions of resettlement and provision for compensation to ensure that it occurs in a manner in keeping with international law. 1/

14. The articulation of a right not to be arbitrarily displaced should serve to raise awareness of the need to provide protection against unlawful displacement as well as provide a basis for action for its prevention.

B. Guiding Principles on internal displacement

15. The study on the right not to be arbitrarily displaced and the compilation and analysis of legal standards applicable to persons once displaced together have provided the basis for a set of Guiding Principles for comprehensively addressing internal displacement in all phases, including its prevention, the provision of protection and assistance during displacement, and the promotion of durable solutions.

16. In resolutions 1996/52 and 1997/39, the Commission emphasized the need for better implementation of existing international law and also recognized that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection.

17. To achieve both objectives, the Representative undertook the development of a set of Guiding Principles on internal displacement which marks the first attempt to articulate the meaning and nature of protection for the internally displaced. The resulting document (E/CN.4/1998/53/Add.2, annex) consolidates the numerous relevant norms which are at present too dispersed and diffuse to be effective in ensuring adequate protection and assistance for the internally displaced. At the same time, it clarifies grey areas and gaps in the law that have been identified.

18. The Principles have been drafted in close collaboration with a team of experts of international law and in consultation with representatives of United Nations agencies, regional organizations and non-governmental organizations through a series of meetings beginning in June 1996. A final meeting, hosted by the Government of Austria in January 1998 will bring together legal experts from the various geographic regions as well as representatives of United Nations agencies, regional organizations and non-governmental organizations to discuss the Guiding Principles and their applicability before they are presented to the Commission.

19. The Introduction to the Guiding Principles contains a revised definition of internally displaced persons, formulated after a review of the working

definition introduced in 1992. 2/ The reformulated definition eliminates the temporal and quantitative criteria (e.g. "suddenly or unexpectedly in large numbers"). It continues to cite specific causes of internal displacement but does so in such a way that the list compiled is not exhaustive. According to the revised definition, the internally displaced are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border". This formulation is the broadest and the most flexible one in use at both the international and the regional level. At the same time, the modified definition represents an attempt to strike a balance between too narrow a definition that risks excluding people and too broad a definition that could prove operationally unmanageable.

20. The right to be protected against arbitrary displacement from one's home or place of habitual residence is explicitly defined and detailed in the Guiding Principles. Also enumerated are the guarantees to be met when authorities undertake displacement after having ensured that no alternative courses of action exist. Displacement, it is expressly stated, shall not be carried out in a manner that violates the rights to life, dignity, liberty or security of those affected. Finally, the Guiding Principles underline that States have a particular obligation to provide protection against displacement to indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

21. The Guiding Principles also seek to address the special needs of internally displaced women and children as well as those of particularly vulnerable categories of persons among them, such as expectant mothers, mothers with young children, female heads of household and unaccompanied minors. The principles relating to documentation, health and education make reference to the specific needs of women and children, while the principle regarding humanitarian assistance calls for special efforts to ensure the full participation of women in the planning and distribution of relief supplies. With respect to the physical safety of women and children, the Guiding Principles explicitly protect against rape; gender-specific violence; forced prostitution; contemporary forms of slavery, such as sale into marriage, sexual exploitation and forced child labour; and the forcible recruitment of children. They also specify that for internally displaced persons the right to respect of family life includes that family members should be allowed to remain together during the course of displacement and that families separated by displacement should be reunited as quickly as possible, particularly when children are involved.

22. In addition to their legal authority, the Principles should contribute over time to the creation of the moral and political climate necessary for improved protection of the internally displaced. They are intended to apply both to Governments and non-State actors. Wide acceptance and dissemination of the Principles would encourage their use by relevant actors at all levels.

23. The Guiding Principles provide a benchmark against which to monitor and measure the treatment of the internally displaced. The compilation and

analysis of legal norms pertaining to internally displaced persons already serves as a useful reference point for monitoring situations of displacement, assessing the needs of the displaced and the degree to which they are being met. It is worth noting in this regard that the compilation has been used by the Office of the United Nations High Commissioner for Refugees (UNHCR)as a basis for developing a reference manual for its field staff on the international legal standards relevant to the protection of internally displaced persons. 3/

24. The Guiding Principles should further facilitate these activities and should prove valuable to Governments, other competent authorities, international agencies, regional organizations and non-governmental organizations in promoting and protecting the rights of the internally displaced. The Guiding Principles should increase awareness of the protection needs of the internally displaced and should serve as useful points of reference in drafting national legislation relevant to the internally displaced. For all actors concerned with the internally displaced, they should provide practical guidance for involvement in activities on their behalf.

25. Since wide dissemination of the Guiding Principles among Governments, intergovernmental and non-governmental organizations and the internally displaced themselves would help in addressing the needs of the internally displaced, it is the Representative's hope that the Commission will call for their publication and distribution in much the same way that it promoted the publication and dissemination of the compilation and analysis.

II. THE INSTITUTIONAL FRAMEWORK

26. As is the case with the normative framework for the internally displaced, an analysis of existing institutional arrangements also has revealed serious gaps. Most obvious among these is the lack of any one international organization mandated to assume responsibility for the internally displaced. While the conferral of such responsibility upon a new or existing organization such as UNHCR had seemed the logical remedy, it does not appear to be a viable solution at this time. Instead, inter-agency coordination remains the preferred option. Indeed, insofar as the problem of internal displacement exceeds the capacities of any single organization and cuts across the human rights, humanitarian assistance and development regimes, a continuation of the collaborative approach is certainly the most realistic institutional framework in which to proceed. At the same time, however, the collaborative approach has been ad hoc and has been constrained by problems of coordination and neglect of protection. Providing protection and assistance to internally displaced persons, as the Secretary-General underscored in his July 1997 Programme for Reform, remains one of the humanitarian issues that falls between the gaps of the existing mandates of various agencies. Notwithstanding increased involvement with the internally displaced on the part of many organizations, both intergovernmental and non-governmental, the continued existence of gaps in the institutional framework has resulted in a response that is inconsistent and inadequate.

27. The Secretary-General's Programme for Reform has conferred upon the Emergency Relief Coordinator (ERC) the responsibility for ensuring that the

protection and assistance of internally displaced persons are effectively addressed. The Representative is committed to working closely with the ERC towards ensuring a more rapid and integrated response to situations of internal displacement. Toward this end, constructive consultations between the Representative and the new ERC have been initiated which auger well for the kind of cooperation that is required. Formalization of this cooperation through a letter of understanding defining their respective roles and identifying areas of joint action would provide a useful statement of purpose and point of reference. A 1996 letter of understanding between the Representative and the previous ERC, which provided for the formulation of joint strategies to ensure that the protection as well as assistance needs of the internally displaced would be addressed, requires updating in light of the recent review of the United Nations system and the Secretary-General's reform programme.

28. As part of the review of the capacity of the United Nations system for humanitarian assistance, undertaken in accordance with Economic and Social Council resolution 1995/56 of 28 July 1995, the Inter-Agency Standing Committee (IASC) recommended in May 1997 that the role of the ERC with respect to the internally displaced should entail: advocacy on assistance and protection; resource mobilization and identification of gaps in the international response; assignment of responsibilities among agencies, including for camp management; information management; and support to field operations, including in the negotiation of humanitarian access.

29. In the area of information management, the IASC Working Group (IASC-WG), which recently has replaced the Task Force on Internally Displaced Persons as the inter-agency forum on internally displaced persons, has agreed that the ERC should oversee the establishment of a database of global information on internally displaced persons, in consultation with external institutions. The development of such an information system has long been advocated by the Representative since there exists no office within the United Nations system for systematically collecting, receiving and analysing information on internal displacement. Though the database will be managed, at least in its pilot phase (projected for the first six months of 1998) by an institution outside of the United Nations system, the Norwegian Refugee Council, the support of United Nations agencies for the database is critical to its effective functioning. Aside from financial support, already offered by several agencies, cooperation is also required in terms of information-sharing. The database should serve as the central depository for information on internal displacement from both headquarters and the field. In particular, in-country Resident Coordinators should assume the responsibility of reporting on a regular basis to the IASC on situations of internal displacement, a procedure which the Representative has repeatedly advocated and which the IASC recently endorsed.

30. The Representative has also suggested that the pool of information contained in the database should include: causes and manifestations of existing situations; the degree of access displaced persons have to basic services; their protection concerns; the capacity and willingness of Governments to address their protection and assistance needs; and the response of the international community to their plight (see E/CN.4/1995/50, paras. 98-99). In addition, information should cover gender-specific

concerns, including the number and needs of female-headed households, single unaccompanied women and school-aged girls. On the basis of the information collected for the database, the issuance of periodic situation reports would be a valuable means of ensuring that specific situations of internal displacement warranting the attention of the international community are not overlooked or forgotten.

31. Notwithstanding the rationale for a collaborative inter-agency approach and the recent initiatives for its refinement, there remains a need to ensure that the protection and assistance needs of the internally displaced do not continue to fall through the gaps of existing institutional mandates. It was with this purpose in mind that the IASC decided at its September 1997 meeting to enhance, through the issuance of a standing invitation, the participation of the Representative in its meetings and those of its subsidiary bodies. Under the previous arrangement, the Representative could be invited to IASC meetings only on an ad hoc basis, whenever issues recognized as relating to his mandate were on the agenda. The unfortunate fact that internal displacement almost inevitably is an element of any complex humanitarian emergency with which the IASC comes to be seized was more recently recognized as warranting the Representative's consistent involvement in this forum.

32. The participation of the Representative in the meetings of the IASC and its subsidiary bodies should encourage a more comprehensive approach to situations of internal displacement by drawing attention to protection as well as assistance concerns. Traditionally, inter-agency meetings have tended to focus on the coordination of assistance. Yet, protection and assistance both are required components of the international response to internal displacement. The Secretary-General's reform programme clearly underscores this. The IASC's extension of a standing invitation to the United Nations High Commissioner for Human Rights should help as well to ensure that protection concerns are given more attention in inter-agency consultations. At the same time, all agencies have a role to play in ensuring protection for the internally displaced.

33. Ensuring that inter-agency consultations result in a more comprehensive and coordinated response to internal displacement will require strong leadership from the ERC, as Chair of the IASC. The Standing Committee as a whole, meanwhile, will need to play a greater role in several respects: routinely assessing the degree to which the needs of the internally displaced are being met by the inter-agency system in specific situations; calling upon different agencies to play strong supporting roles in meeting the needs of the internally displaced; pressing for political action to resolve the crises that create humanitarian emergencies and concomitant displacement; and focusing upon situations receiving insufficient attention. The Representative is committed to working closely with the inter-agency process in order to ensure that the needs of the internally displaced adequately are taken into consideration in the design of humanitarian coordination arrangements for the field.

34. At the field level, the task of coordinating the international humanitarian response typically is assumed by the Resident/Humanitarian Coordinator. There is also the possibility, as recognized in the Secretary-General's Programme for Reform, that depending on the particular

circumstances, a lead agency will be designated to assume this role. Regardless of which of the two coordination arrangements is chosen, the objective is to ensure that the internally displaced are provided with adequate protection, assistance and reintegration and development aid. Field responsibility should therefore include: addressing the humanitarian requirements of internally displaced persons before, during and after an emergency; serving as an advocate for their assistance and protection needs; and recommending a division of responsibilities among agencies for meeting these needs.

35. In this latter regard, many United Nations agencies have increased their involvement with the internally displaced over the last several years. Moreover, in a welcome trend, they have begun to clearly define respective areas of responsibility for the internally displaced through the exchange of memoranda of understanding. Even when combined, however, these various memoranda of understanding fail to amount to the comprehensive response that is required.

36. Whether there is a Resident/Humanitarian Coordinator or an overall lead agency in an emergency, greater attention to the needs of internally displaced persons may be promoted by designating a focal point in each crisis to assume primary operational responsibility for the internally displaced. The advantages of this institutional arrangement are apparent in a study undertaken by the Representative of the international response to several country situations. 4/ In the former Yugoslavia and in Tajikistan, the assignment of primary responsibility for internally displaced persons to a single agency, namely UNHCR in both cases, worked well in ensuring that attention was paid to their particular needs. By contrast, in Burundi, Rwanda and Liberia, where no locus of responsibility was identified for the internally displaced, their protection and assistance needs were less adequately addressed. With respect to Liberia, it is noteworthy that the IASC-WG recognized, at its November 1997 meeting, the utility of nominating a focal point or lead agency in the field for the internally displaced. Indeed, it would seem appropriate that in each complex emergency, one operational entity should be designated as having primary responsibility for the internally displaced. Where protection needs are paramount, bodies such as UNHCR or the ICRC could assume this role when it falls within their mandate. 5/ UNHCR, as noted above, has done so in the former Yugoslavia and Tajikistan; the ICRC, meanwhile, has assumed in Afghanistan the role of "reference" agency for issues relating to the internally displaced. 6/ When children are at particular risk, UNICEF should be expected to play the primary role. When material or development needs are the central concern, primary operational responsibility for internally displaced persons could be conferred upon organizations such as the World Food Programme (WFP), the United Nations Development Programme (UNDP) or the International Organization for Migration (IOM). Regardless of the circumstances or of the organization selected, it is important to underscore that such designation would confer upon it primary, but not exclusive, operational responsibility for the internally displaced. Other relevant agencies within the humanitarian, human rights and development regimes would continue to be expected to undertake activities addressing the needs of the internally displaced and to do so in a collaborative manner.

37. A collaborative response to internal displacement must also be comprehensive in terms of the needs that it addresses. As earlier noted, while institutional arrangements for the provision of assistance to the internally displaced are reasonably well developed, insufficient attention to protection needs means that the overall humanitarian response remains incomplete. UNHCR and the ICRC have extensive experience in providing both protection and assistance to the internally displaced but, for reasons of mandate, they are not present in all situations of internal displacement, and even in situations where they are engaged, protection needs may be of a magnitude exceeding their capacities alone. It is therefore essential for other operational agencies to contribute to efforts addressing the protection concerns of the internally displaced. Towards this end, the Representative has worked closely with a number of humanitarian agencies, both at the headquarters level and in the field, to encourage them to pay greater attention in their operations to the protection needs of internally displaced persons. For example, UNICEF, as a result of recognizing its protection role in promoting respect for the Convention on the Rights of the Child, has been focusing greater attention on the protection needs of internally displaced children, and currently is in the process of finalizing an emergency handbook setting out specific field-based strategies for this purpose. More generally, it is noteworthy that the Secretary-General has highlighted in his reform programme the importance of integrating human rights protection into all aspects of United Nations operations. Humanitarian and development agencies increasingly are coming to recognize that doing so is essential to the efficacy of their programmes.

38. At the same time as operational agencies are developing their roles in protection, there is also a need for the human rights system to develop greater operational capacities of its own. Violations of human rights not only are the root cause of displacement but also continue to threaten the displaced once they have fled and often can impede their return. Addressing human rights concerns lies at the core of a comprehensive response to internal displacement. Accordingly, the human rights regime has an important role to play in providing protection in all three phases of displacement: its prevention; during displacement, including in camp situations; and in its resolution through return or resettlement.

39. The United Nations High Commissioner for Human Rights, building upon her predecessor's commitment to contribute to efforts aimed at providing internally displaced persons with protection on the ground, has expressed an intention to strengthen the operational capacity of her Office in situations of displacement. 7/ In particular, she has requested assistance from UNHCR in signalling those situations of displacement which could benefit from the establishment of a human rights presence, in suggesting ways in which these operations could complement those of UNHCR, and in providing logistical support to the activities of her Office in the field. The High Commissioner also has highlighted the ability of a human rights field presence to fill a protection gap in the post-conflict phase, when UNHCR's mandate limits its own involvement, in particular in support of return and reintegration. The United Nations human rights field staff deployed to Rwanda, for example, received a mandate that included helping to facilitate the return of internally displaced persons and refugees. Similarly, in Abkhazia, Georgia, the human rights monitoring mission has a specific mandate to facilitate the

creation of conditions for the return of the estimated 275,000 persons displaced from that region. In other situations, United Nations human rights field offices have been approached, including by Governments, to monitor the return of internally displaced persons. The response of the Office of the High Commissioner for Human Rights to such requests should depend upon satisfaction of certain criteria, as defined in the above-mentioned Guiding Principles on internal displacement. According to these Principles, returns must occur in conditions of safety and dignity. Unless such conditions are met, human rights field staff would not be able to become involved. Recent experience has shown that human rights staff also could play an important protection role in camps, settlements and safe areas where internally displaced persons congregate. The Commission, in resolution 1996/52, called upon the High Commissioner, in cooperation with Governments, international organizations and the Representative, to promote the human rights of internally displaced persons through the advisory services and technical cooperation programme. It is timely for the High Commissioner to employ human rights field staff as well as the advisory services and technical cooperation programme more often, to cover a larger number of situations of internal displacement. This in turn requires that the capacity of the United Nations human rights machinery be strengthened so that it can assume a more active role in addressing the protection concerns of the internally displaced at the field level.

40. Capacities for providing protection to the internally displaced need to be strengthened not only in terms of resources, but also with respect to expertise. Training the field staff of the High Commissioner for Human Rights as well as that of all of the relevant operational United Nations actors, including humanitarian agencies, development agencies, civilian police and peacekeeping forces, in the rights of internally displaced persons is critical. Upon the recommendation of the IASC, and in consultation with the Representative, the Complex Emergency Training Initiative (CETI) has begun to develop a training module on internally displaced persons. The Guiding Principles should provide an important basis for this training module as they spell out the legal norms pertaining to the provision of protection and assistance to internally displaced persons. The training module, however, will also need to include practical measures and strategies for addressing the needs of the displaced. Several such strategies are suggested in the aforementioned study undertaken by the Representative, Masses in Flight. 8/ Additional strategies should become apparent as a result of a separate initiative, currently being undertaken within the framework of the IASC by UNICEF, the ERC and the Representative, to identify "guidelines for better practices" in the field for meeting the needs of the internally displaced. Use of these guidelines and the training module by governmental and non-governmental actors at the international, regional, national and local levels should promote greater predictability as well as comprehensiveness in addressing the protection as well as assistance needs of the internally displaced.

41. Just as the protection of human rights must be made an integral component of assistance programmes, so should the links between relief and development agencies be strengthened in situations of internal displacement. In the place of a sequential "continuum from relief to development", there is a need for a "parallelism" by which development organizations become engaged

in the humanitarian response early on. Integrating a development perspective into the design of relief operations will allow reconstruction programmes to be planned during the emergency phase of displacement and further longer-term solutions. 9/ In recognition of the need for such an approach, the United Nations Administrative Committee on Coordination is currently in the process of developing a conceptual framework for more effectively integrating relief and development. UNDP's new $50 million rehabilitation fund for emergency situations represents a welcome step in the same direction. More promising still is the decision by the World Bank to include the reintegration of displaced persons among the components of its new area of activity in post-conflict reconstruction and its current consideration of whether to set up a global reconstruction trust fund for this purpose. 10/

42. The magnitude and complexity of the problem of internal displacement require that the collaborative framework through which to address it extend beyond the United Nations system, to encompass regional and non-governmental organizations as well. Both of these sets of actors, in a trend similar to that discernible among United Nations agencies, have enlarged their roles with respect to internally displaced persons over the last few years.

43. As part of the larger trend by which regional organizations are expected to play a greater role in addressing emergencies within their respective geographic areas, there is increasing recognition of the need for them to also assume more responsibility with respect to internal displacement. Underlining the need for a regional approach is the existence of serious situations of internal displacement in all regions of the world as well as regional particularities in the manifestation of the problem. Furthermore, insofar as regional organizations may become aware before the international community of threatened or actual situations of internal displacement as well as of the problems that these may pose to regional stability and security, they are in a position to better understand these situations and to respond to them more rapidly.

44. Regional initiatives relevant to internally displaced persons in the Americas, Africa and Europe have been highlighted in earlier reports of the Representative, including that presented to the last session of the Commission (E/CN.4/1997/43, para. 26). The aforementioned study by the Representative entitled Masses in Flight, provides a more detailed examination of the role of regional organizations, including those in Asia and the Middle East, as well as of subregional organizations with respect to the internally displaced. 11/ From the study it is clear that in terms of institutional mechanisms specific to internal displacement, it is in the Americas where these are most developed, most notably with the appointment by the Inter-American Commission on Human Rights of the Organization of American States (OAS) of a rapporteur on internally displaced persons, following consultations with the Representative of the Secretary-General. In addition, a Permanent Consultation on Internal Displacement in the Americas has been created by intergovernmental and non-governmental organizations to undertake missions to different countries, in an effort to increase protection and assistance for displaced populations. At the operational level, meanwhile, it is only in Europe where field staff have been deployed, in

particular by the Organization for Security and Cooperation in Europe (OSCE) and the European Community, to defuse the tensions that typically cause displacement and to protect the internally displaced.

45. Notwithstanding these significant initiatives, overall, regional capacities for effectively responding to internal displacement remain at an early stage of development, particularly in the areas of prevention and protection where the international response also is weakest. Conflict prevention and peacekeeping machinery with the potential for stemming not only conflict but also concomitant displacement has been set up at the regional level only in Europe and Africa and, even there, lacks the requisite capacities. Moreover, as noted above, it is only in Europe where regional organizations have begun to assume an operational role in protection. Involvement at the regional level in the rehabilitation and reintegration of the internally displaced, meanwhile, has been a reality only in the Americas. A major obstacle to developing the roles of regional bodies in these various areas of addressing internal displacement is the lack of resources and expertise. Clearly, then, if regional bodies are to be expected to share responsibilities with the international community for addressing the problem of internal displacement they will require international support in developing the capacities to fulfil this function.

46. International and regional bodies already have begun to cooperate in the development of regional frameworks for discussing the problem of displacement and for devising strategies to resolve and contain it. Regional conferences held, under joint United Nations and regional sponsorship, on population displacement in the Americas as well as in the Commonwealth of Independent States (CIS) and the Great Lakes region are significant for having achieved agreement on comprehensive regional frameworks, including preventive and development strategies, through which to address existing and future situations of internal displacement. In the CIS and Great Lakes, however, support for follow-up mechanisms is still required in order to ensure that the provisions of these agreements are indeed implemented. In Asia and the Middle East, meanwhile, regional frameworks specific to addressing internal displacement do not exist, despite the significant number of internally displaced persons in these regions. Conferences on population displacement, held in both areas just in the past year, suggest some cause for optimism. Though both focused on refugees and merely referred to the problem of internal displacement, this acknowledgement of the problem could mark the beginning of greater attention to internal displacement in these regions. 12/ International support for the follow-up to all such initiatives is key if increased awareness on the part of regional organizations of the problem of internal displacement is to result, as is required, in their assuming greater responsibilities for addressing it.

47. The Representative, for his own part, plans to intensify his cooperation with regional organizations in order to promote their greater involvement in addressing problems of internal displacement. Representatives of the OAU, OAS and OSCE, as well as legal and human rights experts from Asia and the Middle East, have been invited to the meeting convened in Vienna in January 1998 to finalize the Guiding Principles on internal displacement. The participation of representatives from all of the regions should serve not only

to ensure that the Guiding Principles are of universal relevance but also to stimulate greater activity in each of the various regions for the implementation of the Principles.

48. The important role played by international and local non-governmental organizations, which has been highlighted previously by the Representative (see in particular, E/CN.4/1995/50, paras. 228-242), also is examined in greater detail in the study by the Representative which includes specific suggestions for enhancing NGO activities, especially in the area of protection. 13/ This will require training of NGO operational staff in protection issues, for which the Guiding Principles as well as the compilation and analysis provide useful tools of reference. Better coordination among NGOs would also enhance these efforts. Furthermore, close links between international and local NGOs need to be forged. Doing so could make a valuable contribution in strengthening local capacities, particularly in cases such as in the former Soviet Union where there is no indigenous NGO tradition, and could also be an important source of protection for local NGOs.

49. One area in which international and local NGOs already are closely cooperating is in the development of a worldwide information system on internal displacement. Noteworthy in this regard is the undertaking by the Norwegian Refugee Council (NRC) of a global survey on internally displaced persons, to be published in 1998. In preparation for the survey, global information networks have been created. The establishment by the United Nations and the NRC of the aforementioned database on internal displacement will build upon these networks. To assist it with this latter task, the NRC has formed a consortium with the US Committee for Refugees and the Brookings Institution Project on Internal Displacement.

50. In another cooperative initiative currently being explored, Norwegian Church Aid (NCA), a non-governmental organization with operations in a number of countries, and the Representative have initiated discussions to engage that organization's field staff in special programmes on behalf of internally displaced persons, especially in the return process, with the prospects of funding from the Norwegian Government. In keeping with his role as a catalyst, the Representative has offered to help identify possible projects and facilitate consultations between NCA and Governments, in order to formalize agreements for the organization's undertaking these activities. Though still in the planning stage, this type of joint initiative may prove to be worth replicating by the Representative in cooperation with additional non-governmental organizations and funding sources.

III. THE COUNTRY FOCUS

51. The effectiveness of developments in the normative and institutional frameworks for providing protection and assistance to the internally displaced will, of course, be best evidenced by conditions on the ground. It is for this reason that country visits constitute a particularly important part of the mandate. They focus attention on specific situations of internal displacement and, through solution-oriented dialogue with the Government concerned and in cooperation with the international agencies and non-governmental organizations present on the ground, enable the Representative to recommend measures to be undertaken by the national

authorities as well as the international community for addressing the situation more effectively. Country visits also advance the more universal purposes of furthering understanding of the problem of internal displacement in its various dimensions as well as developing global and regional strategies towards its resolution.

52. Since his appointment, the Representative has undertaken 12 country missions - to Burundi, Colombia, El Salvador, the former Yugoslavia, Mozambique, Peru, the Russian Federation, Rwanda, Somalia, Sri Lanka, the Sudan and Tajikistan - and has presented his findings and recommendations in reports to the Commission and the General Assembly. Given that serious problems of internal displacement exist in more than 35 countries worldwide, many more country visits are required, including follow-up visits to countries already visited. Particularly now that the normative and institutional frameworks for internally displaced persons are reasonably well developed, country visits assessing the extent to which these developments translate into effective action on the ground need to become the main focus of the mandate. An increased emphasis on country visits, however, will require that greater human and material resources are put at the disposal of the Representative than are made available at present.

53. It will also require cooperation from the Governments of all countries where problems of internal displacement exist. To undertake a visit, the Representative, like other representatives and rapporteurs of the United Nations human rights machinery, relies upon an invitation from the national authorities of the country concerned. Though the Representative has received such invitations from several countries, invitations have not been forthcoming from some countries where the problem of internal displacement is severe. Paradoxically, then, the countries upon which the Representative has thus far been able, through his visits, to focus attention are those that are the more cooperative, insofar as the Government acknowledges the existence of the problem of internal displacement in the country and invites the Representative to help address it. It should be recalled that the Commission, in resolution 1997/39 adopted at its last session, called upon all Governments to facilitate the activities of the Representative, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative.

54. In this regard, it may be helpful to recall that the approach adopted by the Representative upholds respect for State sovereignty while at the same time highlighting the responsibilities that sovereignty entails towards all those under State jurisdiction. Specifically, sovereignty entails responsibilities for the security and well-being of the people which ideally should ensure the highest standards of human dignity but, at the very minimum, should guarantee fundamental human rights, food, shelter, physical security and basic health services. When States prove incapable of discharging these responsibilities, they are expected to request, or at least accept, international cooperation in meeting the protection and assistance needs of the population under their jurisdiction. Based on these twin premises of respect for national sovereignty coupled with an invocation of its responsibilities, the Representative's discussions with Governments and other authorities have proven relatively cordial and constructively candid, with

Governments and other national actors finding mutual interest in the dialogue. Admittedly, this interchange has been limited to countries that have been receptive to the Representative's missions. Support from the Commission is needed for engaging those countries that are less responsive to requests by the Representative to study the situation of internal displacement first-hand or even to provide information on the extent to which the needs of the affected populations are being met. As a starting point, reference to the Guiding Principles should serve as a useful means of holding Governments and non-State actors more accountable for the treatment of internally displaced populations under their jurisdiction.

55. International efforts on behalf of the internally displaced therefore aim at complementing the capacity of Governments to provide protection and assistance to their own displaced populations. Insofar as Governments bear primary responsibility for addressing the plight of their internally displaced populations, establishing or strengthening national institutions towards this end is a recommendation ensuing from all of the country visits undertaken by the Representative and one that can be anticipated also as relevant in countries that the Representative has not yet had occasion to visit. Encouraging the establishment within individual national frameworks of a focal point for addressing displacement issues is one means of encouraging Governments to acknowledge and assume their responsibilities toward the internally displaced. The existence of national mechanisms specific to displacement issues facilitates communication and coordination between Governments and the international community on this issue. At the same time, it must be acknowledged that the mere existence of a focal point for internally displaced persons does not necessarily denote a national framework that responds to their plight in a comprehensive and effective manner.

56. Even when national institutions for addressing internal displacement are backed by sufficient political will, resources and expertise, they may not be adequately comprehensive in scope. In Peru, for instance, the Government has taken several concrete steps since the Representative's visit in 1995 to ameliorate the situation of the internally displaced. These measures include the appointment of an ombudsman to investigate human rights abuse, the launching of a national campaign to provide documentation to the internally displaced, and the reported provision of greater financial support to the Programa del Apoyo para el Repoblamiento (PAR), allowing it, as the Representative had urged (E/CN.4/1996/52/Add.1, paras. 104-106), to undertake activities in more parts of the country. While these initiatives certainly are welcome, the five-year time-frame for completion of the documentation programme seems long and there remains a need for the PAR to extend its activities beyond supporting strictly return to also aid reintegration efforts. Thus, while the Government has made important progress, more effective and speedy implementation of the measures agreed upon during the Representative's visit is required.

57. National institutions, however well developed, inevitably will be constrained in their effectiveness by the existence of armed conflict. In Sri Lanka, for example, considerable efforts on the part of the Government to provide the internally displaced with humanitarian assistance often have been frustrated by the resumption of large-scale hostilities in the north of the country since the Representative's visit in 1993. As a result, it is reported

that large numbers of the internally displaced do not receive government assistance, with medical supplies in particular being delivered in insufficient quantities and only after long delays. 14/ As in many other situations of internal displacement, greater involvement on the part of international humanitarian organizations could be helpful in filling critical gaps in national efforts to address the plight of the displaced.

58. Aside from the area of assistance, outside support also may be required to strengthen national protection mechanisms. The programme of advisory services and technical assistance of the Office of the High Commissioner for Human Rights can make an important contribution in this regard, but it requires strengthening so that it can be used more frequently and with greater focus on the protection needs of internally displaced persons. 15/ The international community also has a role to play not only in supporting national institutions but also in monitoring their effectiveness.

59. One important means of monitoring situations of internal displacement is through an international human rights field presence. The establishment or enhancement of an international human rights field presence has been a recommendation consistently resulting from country visits of the Representative. In Tajikistan, though a human rights presence is still lacking, the High Commissioner for Human Rights nonetheless has begun to respond to this recommendation of the Representative (see A/51/483/Add.1, annex, para. 125) by dispatching a human rights needs-assessment mission and initiating the development of plans, in cooperation with the Government, for addressing human rights problems, including those specific to the displaced. In Rwanda, the mandate of the High Commissioner's human rights field operation includes a specific responsibility for facilitating the return of internally displaced persons. Similarly welcome is the special emphasis that the mandate of the High Commissioner's human rights field office in Abkhazia, Georgia, places on facilitating the creation of conditions conducive to the return of the internally displaced. Yet, greater international presence than the single United Nations human rights officer currently deployed is required if this mandate is to be carried out effectively.

60. Attention by the High Commissioner's field missions to the protection needs of internally displaced persons could be enhanced with training. The field staff of the High Commissioner should, as a matter of course, receive training and be expected to pay close attention to the needs of the internally displaced. Indeed, they should take the lead in promoting implementation of the guiding principles on internal displacement which should also provide the basis for their monitoring and reporting on the extent to which the needs of the internally displaced are met. The attention already paid by the United Nations human rights field mission in Burundi has served to raise international awareness of the forcible regroupement of Hutus which has emerged as a common practice since the Representative's visit. It could play an equally important role in ensuring that the return of those affected occurs in conditions of safety and dignity, though assuming this additional role would require a commensurate expansion in the number of field staff. In Colombia, where internal displacement reportedly now affects some 1 million persons, the office recently established by the High Commissioner has made an important contribution towards strengthening the national legal framework for human rights protection in general but could still stand to become operational

in the field, where it could fill an urgent need in monitoring human rights for both preventive and curative purposes, particularly in promoting the voluntary and safe return of the internally displaced. At the same time, there also is a need for more involvement with the internally displaced of Colombia by humanitarian and development organizations, in particular by UNHCR, UNDP and UNICEF. A comprehensive response to the protection, assistance and development needs of the internally displaced that remain inadequately addressed and indeed more widespread since the Representative's visit in 1994 requires greater involvement on the part of the United Nations human rights, humanitarian and development regimes alike.

61. In order to ensure that the recommendations made by the Representative after having visited a country are carried out, continued monitoring of the situation is essential. It would be particularly helpful in this regard if United Nations humanitarian and human rights agencies present in countries that the Representative has visited would assist in monitoring and reporting on the extent to which the recommendations are being implemented and, in the event of a change or deterioration of the situation, whether a follow-up visit or further recommendations are required. In countries for which there is a lack of information on the extent to which the Representative's recommendations are being carried out or where the problem of internal displacement remains particularly acute, such as in the Sudan, which hosts the world's largest internally displaced population, a return visit as well as a reiteration and, if necessary, revision of recommendations could be valuable.

62. Cooperation between the Representative and the ERC in monitoring situations of internal displacement and in providing follow-up to the Representative's visits was provided for in the 1996 letter of understanding exchanged between them. Moreover, regular reporting on the situation of the internally displaced by the Resident Coordinators could serve a very useful follow-up function in the countries that the Representative has visited. At the same time, it should provide an important means of identifying those situations of internal displacement warranting greater attention on the part of the Representative and the United Nations system as a whole.

63. Opportunities for follow-up also exist outside the United Nations system, with regional and non-governmental organizations. In exemplary initiatives at the regional level, the rapporteur on internally displaced persons appointed by the Organization of American States recently has undertaken a visit to Colombia to follow up on the mission undertaken there by the Representative in 1994, and the Permanent Consultation on Internal Displacement in the Americas has undertaken a mission to Guatemala which the Representative has not yet had the opportunity to visit.

64. Non-governmental organizations also have an important role to play in follow-up, by contributing to monitoring and assessing, on a regular basis, the extent to which the identified needs of the internally displaced are being addressed. The database jointly undertaken by the United Nations and the Norwegian Refugee Council should prove a particularly useful tool for country-specific monitoring of the situations of internal displacement worldwide. Country missions undertaken by non-governmental organizations, such as Human Rights Watch, the United States Committee for Refugees and the Women's Commission for Refugee Women and Children, increasingly are focusing

specific attention on internally displaced persons and, as a result, constitute another valuable source of follow-up information on countries that the Representative has already visited.

IV. STRENGTHENING THE CAPACITY OF THE MANDATE

65. In the absence of a comprehensive, systematic and effective response on the part of the United Nations system to situations of internal displacement, it appears that the catalytic role the Representative has been playing will continue to be needed. On that assumption, the challenges that will confront the mandate in its third phase should focus on ensuring that developments in the normative and institutional frameworks are translated into effective action on the ground. This will entail a scope of activities extending beyond the United Nations human rights machinery to encompass the inter-agency framework as a whole. The range of activities envisaged will include: disseminating the normative standards on internal displacement and promoting their use by Governments, international organizations and non-governmental organizations; assisting in the development and delivery of the CETI training module on internally displaced persons so that United Nations staff members can become better informed about how to address situations of internal displacement; fostering more collaborative institutional arrangements, both at headquarters and in the field, with respect to the internally displaced; bringing cases of internal displacement to inter-agency meetings, especially of the IASC and its Working Group which is now the designated forum for inter-agency consultations on internally displaced persons; closely monitoring the more than 35 countries with serious problems of internal displacement; promoting more effective responses to situations of internal displacement by national, regional and international actors, in particular by developing closer relationships with regional organizations; undertaking missions to countries where the situation of internal displacement is particularly severe; conducting follow-up activities to these missions; devoting specific attention to the needs of women and children; and preparing periodic reports to the Commission and the General Assembly detailing developments in all of these various areas of activity.

66. Carrying out this wide variety of activities will require a commensurate level of resources, both human and material. This raises the question of the institutional arrangement best suited to the needs of the mandate and through which resources could be made available to the Representative. The present arrangement by which the Representative is housed outside the United Nations system and serves on a voluntary basis has certain advantages and disadvantages. On the positive side, the present arrangement affords the Representative a considerable degree of autonomy which has enabled him to set forth his findings freely, introduce innovative approaches to his mandate, collaborate closely with experts and institutes outside the United Nations system, and solicit outside support from Governments, foundations, non-governmental organizations and research institutions.

67. Support from Governments, foundations and research institutions, for example, enabled the development of the compilation and analysis of legal norms pertaining to internally displaced persons, the drafting of the Guiding Principles, and an in-depth analysis of institutional arrangements. The major research project, to be published this year by the Brookings Institution,

under the titles Masses in Flight: The Global Crisis of Internal Displacement and The Forsaken People: Case Studies of the Internally Displaced, also had to rely upon external funding. Undertaken by the Representative at the request of the Secretary-General, the study was carried out by the Brookings Institution-Refugee Policy Group Project on Internal Displacement and drew upon the expertise of a large number of United Nations officials, academics, lawyers, refugee and human rights specialists, as well as numerous research institutions and non-governmental organizations.

68. At the same time, the present arrangement has its limitations: the part-time, voluntary nature of the position hampers the extent to which the Representative can consistently and actively participate in the inter-agency process, engage in monitoring, or undertake missions and follow-up. The lack of sufficient resources provided to the mandate equally hampers the ability of the limited staff servicing the mandate from within the Office of the High Commissioner for Human Rights. To fulfil even the minimum requirements of the mandate as specified by the Commission, the Representative has had to rely on external support, initially in the form of an intern from Harvard, extended by short-term appointments until her departure last year. This position was supplemented by an associate expert, generously provided by the Government of Norway but whose contract has since expired. To substitute for this loss, the Office of the High Commissioner has recently appointed a new staff member on a short-term basis which, though renewable, has an uncertain future.

69. Quite apart from the limitation of the support available within the Office of the High Commissioner for Human Rights, the fact that the mandate and the scope of the activities of the Representative involve a broad spectrum of agencies within the United Nations system requires that sources of support be sought beyond the human rights machinery. A formula which has been suggested and appears to receive wide support as a means of both assisting the Representative and enhancing inter-agency collaboration is for the different humanitarian and development bodies associated with the mandate to each second a staff member to service the mandate of the Representative from his or her respective institutional base. This system of focal points would accord with the nature of the problem of internal displacement and with that idea expressed by the Secretary-General in his Programme for Reform, that human rights should integrated into the humanitarian, development, economic and social, and security spheres of the United Nations system as well.

70. In addition, it would be essential to have a senior staff member within the Secretariat to oversee the management of the mandate and the network of focal points set up in the different agencies. The staff member would have the authority to play an active role in inter-agency decision-making processes and to act on behalf of the Representative whenever his other commitments prevent him from attending meetings requiring a senior level of representation.

71. An issue that will still need to be addressed is the amount of time which the Representative can devote to the responsibilities of his mandate. At present, the position of the Representative is voluntary and, according to his agreement with his employer, the Brookings Institution, where he is a Senior Fellow in the Foreign Policy Studies Programme, the amount of time he can devote to the work of the mandate should not exceed one quarter of his

work time. This is grossly inadequate, considering the scope of activities envisaged for the mandate. To remedy this shortcoming, it has been suggested by some that the position should be made full-time, be integrated into the United Nations Secretariat, and provided with adequate staff and funding. Quite apart from the budgetary constraints this proposal would encounter, it raises concerns that it would deprive the mandate of its independence, generally considered desirable. A solution that could reconcile these seemingly conflicting considerations would be for the United Nations to redesign the position so as to enable the Representative to devote more time to the responsibilities of his mandate while remaining outside the United Nations system so as to maintain the valued autonomy of the mandate. This can be accomplished either through the regular budget of the Organization or of one or several of its agencies, or as part of the funds which the Representative might raise from Governments, foundations and other potential contributors.

72. Enabling the Representative to devote more time to the responsibilities of his mandate combined with placing seconded staff at his disposal would be a creative way of meeting the needs of the mandate, thereby enhancing its capacity considerably without creating a new institution or requiring major organizational changes. As noted earlier, until such time as the United Nations system is able to address situations of internal displacement more effectively than the ad hoc approach that has so far characterized the international response, the catalytic role of the Representative continues to appear essential. Whether his position lies within or outside the United Nations system, is part-time or full-time, voluntary or remunerated, it is equally essential to provide sustained and strengthened support to enable the Representative to carry out his mandate effectively.

V. CONCLUSION

73. When the Commission first considered the issue of internal displacement in 1992 and requested the Secretary-General to appoint a representative to study the problem and recommend ways in which the United Nations system might better respond to the needs of the internally displaced, the Representative considered several alternative arrangements, ranging from the creation of a new agency, to giving full responsibility to an existing agency, to a more effective use of existing capacities within the United Nations system, through the collaborative approach. In the course of time, this last alternative has emerged as the most realistic approach, but one requiring strengthening and refinement to ensure that the needs of the internally displaced are adequately addressed. Within the framework of the collaborative approach, the role of the Representative of the Secretary-General became conceptualized as that of a needed catalyst. The mandate was, accordingly, renewed in 1993 and 1995, and is due to be examined by the Commission at its current session.

74. Although recent surveys indicate some fluctuation in the number of the internally displaced, owing in part to the changing conditions on the ground relevant to the major causes - internal conflicts, civil strife, violations of human rights and other human-made or natural disasters - the number of those affected remains very high, a modest estimate being around 25 million in 35 to 40 countries on all continents, with varying degrees of intensity. Since the creation of the mandate, the international community has become increasingly

aware of the problem and has considerably enhanced its capacity to respond effectively. However, although many organizations are now involved with the internally displaced at the national, regional and international levels, the response has been ad hoc and large numbers of internally displaced persons remain with inadequate or no protection and assistance from their national authorities or the international community. In trying to address this ongoing challenge, the mandate of the Representative has focused on developing normative and institutional frameworks for an effective international response, engaging Governments and other pertinent actors in continuing dialogue on behalf of the internally displaced, and otherwise mobilizing international support for their cause in order to provide them with adequate protection and assistance.

75. The work of the mandate has in particular laid a sound foundation for developing an effective normative response to the global challenge of internal displacement. Building on the compilation and analysis of existing legal standards, a set of Guiding Principles has been developed that provide a legal basis for ensuring protection and assistance at the national and international levels. Comparative analyses of existing international organizational arrangements and ways of enhancing their effectiveness have also resulted in proposals aimed at developing a more concerted collaborative institutional response to the needs of the displaced at all levels, from local to global. These normative and institutional arrangements, however, will need to be operationalized if they are to be capable of meeting the challenges of displacement comprehensively and effectively.

76. If the mandate is renewed, its catalytic role will focus on promoting the practical application of the Guiding Principles by all those concerned with the internally displaced and, through the collaborative approach, generating a system-wide institutional and operational response to the plight of the internally displaced worldwide.

77. When the Commission first undertook consideration of the problem of internal displacement, there was considerable trepidation about its involvement in what some saw as a sensitive internal problem. Today, the scope of the crisis leaves no doubt that international involvement is necessary since internal displacement is a human tragedy of great magnitude and global dimension. It is not only a symptom of State failure in varying degrees, whether related to political will or sheer lack of capacity, but is often also a crisis with serious regional and global implications. Internal displacement represents the first leg of population upheavals that overflow across international borders, generating refugees, and have the potential to destabilize not only their countries of origin, but also their host countries. The challenge is to develop an effective system of response based on international cooperation. The normative and institutional frameworks for such a cooperative response have been reasonably well articulated. The task ahead is to operationalize them so as to provide adequate protection and assistance to the millions of internally displaced persons in desperate need of help across the globe. The Commission took the lead in 1992, and now has the normative and institutional foundation upon which to build a more effective and sustainable system of international response to the global crisis of internal displacement.

Notes

1/ World Bank, Operational Directive (O.D.) No. 4.30, 29 June 1990, paragraph 8; OECD, Guidelines for Aid Agencies on Involuntary Displacement and Resettlement, OECD/GD (91) 201, 1991.

2/ The working definition describes the internally displaced as "persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country". See analytical report of the Secretary-General on internally displaced persons (E/CN.4/1992/23), paragraph 17. For a preliminary discussion of definitional issues on the basis of this definition, see report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1995/50), paragraphs 116-127. Further points for consideration and the rationale for refining the working definition appear in Roberta Cohen and Francis Deng, Masses in Flight: The Global Crisis of Internal Displacement (Washington, D.C.: Brookings Institution, 1998), chapter 2.

3/ UNHCR, International Legal Standards Applicable to the Protection of Internally Displaced Persons: A Reference Manual for UNHCR Staff, 1996.

4/ See Cohen and Deng, op. cit. and The Forsaken People: Case Studies of the Internally Displaced, (Washington, D.C.: Brookings Institution, 1998).

5/ UNHCR's criteria for involvement with internally displaced persons are delineated in Inter-office memorandum No. 33/93 and Field office memorandum No. 33/93, issued by UNHCR on 28 April 1993. See UNHCR's Operational Experience with Internally Displaced Persons (Geneva: UNHCR, September 1994), annex I. The ICRC, meanwhile, limits its involvement to situations of armed conflict, when it seeks to provide protection and assistance to civilian victims, regardless of whether or not they are displaced. For insight into how this role relates to internally displaced persons, see Jean-Philippe Lavoyer, "Refugees and Displaced Persons - International Humanitarian Law and the Role of the ICRC", International Review of the Red Cross, No. 305, March-April 1995, pp. 162-180.

6/ UNHCR, "The Dilemma of the Internally Displaced", Refugees, Focus: Afghanistan, No. 108 (1997), p. 7.

7/ Statement by the United Nations High Commissioner for Human Rights to the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, 14 October 1997. For the specific suggestions made by her predecessor for creating a framework through which to provide continuous on-site protection to refugees and displaced persons, see the reports of the United Nations High Commissioner for Human Rights to the General Assembly, Official Records of the General Assembly, Fiftieth Session, Supplement No. 36 (A/50/36), paragraphs 86-87; and to the Commission on Human Rights at its fifty-first session (E/CN.4/1995/98).

8/ See supra note 3.

9/ Randolph Kent, "Building Bridges", Crosslines, vol. 5 (January 1997), WorldAid'96 Supplement, p. 14. For an elaboration of this theme, complete with the setting out of specific strategies, see Cohen and Deng, Masses in Flight, chapter 7.

10/ See Cohen and Deng, Masses in Flight, chapter 7, citing Steven Holtzman, "Conflict-Induced Displacement Through a Development Lens", paper prepared for the Brookings Institution - Refugee Policy Group Project on Internal Displacement.

11/ Cohen and Deng, Masses in Flight, chapter 6.

12/ In July 1997 in Bangkok, an expert meeting on regional approaches to refugees and displaced persons in Asia was co-hosted by UNHCR and the Government of Thailand, with attendance by 18 States in the region as well as IOM, to discuss the nature, causes and consequences of population movementsas well as to promote information-sharing at the regional level. In Jordan, UNHCR organized in March 1997 a regional consultation on conflict-induced displacement in central and south-west Asia and the Middle East which, although it focused on refugees, nonetheless made reference to the problem of internal displacement. See, respectively, "Asia: Regional Approaches to Refugees and Displaced Persons", IOM News, No. 3/97, pp. 4 and 8; "UNHCR holds regional meeting on population displacement", UNHCR Press release, Washington, 10 March 1997.

13/ Cohen and Deng, Masses in Flight, chapter 5.

14/ US Committee for Refugees, "Preliminary Observations on the Situation of Internally Displaced Persons in Sri Lanka", (Washington, D.C.: 16 December 1996).

15/ In situations of displacement, the protection of refugees and displaced persons is one of the programme's explicit objectives. See report of the High Commissioner for Human Rights to the Commission on Human Rights to its fifty-first session (E/CN.4/1995/98).

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